

BOARD OF ENVIRONMENTAL REVIEW
AGENDA ITEM
EXECUTIVE SUMMARY FOR
17.30.601 et seq. and WQB-7 WATER QUALITY STANDARDS ADOPTION

AGENDA # III, A-2

AGENDA ITEM SUMMARY

The Department requests that the Board adopt New Rule I, which incorporates changes to Department Circular WQB-7, and amend ARM 17.30.502, 602, 607-611, 621-629, 635, 641, 645, 646, 702, 715, 1001, 1006 and 1007. The Department also requests that the Board make several changes to the amendments as originally proposed, based upon public comments. This action is part of the Board's triennial review of water body classifications and water quality standards. See 75-5-301(3), MCA.

LIST OF AFFECTED RULES

ARM 17.30.502, 17.30.602, 17.30.607 through 17.30.611, 17.30.621 through 17.30.629, 17.30.635, 17.30.641, 17.30.645, 17.30.646, 17.30.702, 17.30.715, 17.30.1001, 17.30.1006 and 17.30.1007 and Department Circular WQB-7.

AFFECTED PARTIES SUMMARY

The proposed rule changes and some of the changes to numeric water quality standards in WQB-7 could affect parties that renew or receive an MPDES permit for discharge to surface or ground waters. The proposed relaxation of the ammonia standards may benefit some dischargers, while the proposed more stringent cadmium standards may have the opposite effect. Most of the changes, however, will have little effect on permittees. The clarification and renumbering of the surface water quality standards and stream classifications will benefit all parties.

SCOPE OF PROPOSED PROCEEDING

The Department requests that the Board adopt New Rule I and the amendments with several changes based upon public comments.

BACKGROUND

On October 12, 2001, the Board published a notice of proposed adoption and amendment of the above-stated rules. A public hearing was held on November 7, 2001. Comments from four parties were received. A summary of the comments, together with the Department's proposed responses, is attached as a proposed Adoption Notice. The Department proposes to accept the changes suggested by the commentors, except for two requested by EPA. EPA recommended changes to the mercury and bacteria standards. The Department believes that it is premature to make those changes at this time. After the EPA develops guidance for implementing its new mercury criteria and after the Department has collected and analyzed data to convert the fecal coliform standard to e-coli, the Department will request Board to initiate rulemaking on those subjects.

Hearing Information

A public hearing was held on November 7, 2001, and the public comment period closed on November 12, 2001.

BOARD OPTIONS

The Board may:

1. Amend the rules and Circular as proposed, with changes based upon public comment as shown on the attached Adoption Notice;
2. Amend the rules and Circular with other changes consistent with the public notice process;
3. Amend the rules as originally noticed; or
4. Decline to amend the rules and Circular.

DEQ RECOMMENDATION

The Department recommends that the Board amend the rules and Circular with the changes as shown on the attached Adoption Notice.

ENCLOSURES

The following information is attached to this summary:

1. Presiding Officer Report (includes Notice of Public Hearing and proposed Notice of Adoption).